



Entered on Docket  
September 27, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Second Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based Entirely Upon Investment In  
The Brookmere Matteson Loan; Except  
for Proof of Claim of Arthur I. Kriss**

Hearing Date: August 30, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Brookmere Matteson Loan," ("Brookmere Matteson Loan") [DE 8655] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; the Proof of Claim of Arthur I. Kriss having been set for a Settlement Conference; no other

1 response to the Objection having been filed; the Court noting on the record that the  
2 disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to  
3 repayment by the borrower or from the collateral securing the Brookmere Matteson Loan;  
4 and good cause appearing:

5 **IT IS ORDERED** that:

6 1. The Objection [DE 8655], except as it relates to the Proof of Claim of Arthur  
7 I. Kriss, No. 10725-01877, is sustained;

8 2. Except for the Proof of Claim by Arthur I. Kriss, the claims listed on **Exhibit**  
9 **A**, attached are disallowed in full because those claims are based entirely upon an  
10 investment in the Brookmere Matteson Loan.

11  
12  
13 PREPARED AND RESPECTFULLY SUBMITTED BY:

14 **LEWIS AND ROCA LLP**

15  
16 By /s/ John Hinderaker (AZ #018024)

17 Robert M. Charles, Jr.

18 John Hinderaker (*pro hac vice*)

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25

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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

- \_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).
- \_\_\_\_\_ No party appeared at the hearing or filed an objection to the motion.
- XXX I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]: Counsel appearing: \_\_\_\_\_
- \_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: <u>Arthur I. Kriss</u>	
<input checked="" type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

s/Arthur I. Kriss  
 Arthur I. Kriss  
 2398 West 1050 North  
 Hurricane, UT 84737  
 E-mail: akrissr@gmail.com

Submitted by:  
 LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
 Attorneys for USACM Liquidating Trust

# # #  
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**USACM Trust  
Brookmere/Matteson  
Single Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount Relating to the Brookmere/ Matteson \$27,050,000 Loan</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Brookmere/ Matteson \$27,050,000 Loan</b>
10725-00941	11/2/2006	English, Richard	6727 East Swarthmore Dr Anaheim, CA 92807	555.75	555.75
10725-01531	12/4/2006	Fine, Lewis H & Arlene J	Po Box 598 Herber City, UT 84032	6,955.74	6,955.74
10725-00143	8/15/2006	Fraser, Edward C IRA	14220 Sorrel LN Reno, NV 89511	56,000.00	56,000.00
10725-00692	10/20/2006	Hammond, Chris J & Tara M	10145 SW 151 <sup>st</sup> Pl Beaverton, OR 97007	12,241.80	12,241.80
10725-00651	10/23/2006	Handlin Family Trust 4/16/04	C/O Shirley M Handlin Trustee 8855 Leroy St Reno, NV 89523-9777	22,425.00	22,425.00
10725-00351	9/28/2006	John T Marasz Ent Inc Defined Benefit Plan DTD 5/86	C/O John T & Janet Mrasz Ttees PO Box 38 Sun Valley, CA 91353-0038	24,483.61	24,483.61
<del>10725-01877</del>	<del>1/8/2007</del>	<del>Kriss, Arthur J</del>	<del>2398 West 1050 North Hurricane, UT 84727</del>	<del>24,483.61</del>	<del>24,483.61</del>
10725-02429	1/12/2007	Krynzel, David B Individually And As Managing Partner Of Gold Runner, LLC	6090 Allred Place, #102 Henderson, NV 89011	57,374.31	57,374.31
10725-01517	11/29/2006	Lily Markham & Irene Anne Markham-Tafoya JT WROS	7746 Fore dawn DR Las Vegas, NV 89123-0756	15,000.00	15,000.00
10725-02316	1/13/2007	Milanowski, NV & J Marlene	12265 Montura Rosa Place Las Vegas, NV 89138-6048	31.52	31.52

**EXHIBIT A**

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